

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: David Foster	Team: Team # 1	CCRB Case #: 200806223	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/23/2008 2:59 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 28	18 Mo. SOL 10/23/2009	EO SOL 10/23/2009	
Date/Time CV Reported Thu, 05/01/2008 5:57 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 05/01/2008 5:57 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Davis	25667	931624	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Doris Westcott	09390	939684	028 PCT
2. SGT Moises Rosario	03356	929086	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Davis	Abuse: Police Officer Brian Davis frisked § 87(2)(b)	§ 87(2)(b)
B.POM Brian Davis	Abuse: Police Officer Brian Davis frisked § 87(2)(b)	§ 87(2)(b)
C.POM Brian Davis	Abuse: Police Officer Brian Davis refused to provide his name and/or shield number to § 87(2)(b)	§ 87(2)(b)

Synopsis

On May 1, 2008, Police Officers Brian Davis and Doris Westcott responded to an anonymous 911 call reporting drug sales in front of § 87(2)(b) in Manhattan. They observed a group of individuals including § 87(2)(b) his § 87(2)(b)-old cousin, § 87(2)(b) and unidentified others. PO Davis allegedly frisked § 87(2)(b) and § 87(2)(b) (**allegations A and B**). § 87(2)(b)'s father, § 87(2)(b) angrily approached PO Davis and yelled that he was not allowed to frisk a § 87(2)(b)-old child without parental permission. PO Davis obtained § 87(2)(b)'s identification and returned to his patrol car to check for warrants. A neighbor, § 87(2)(b) came outside and requested PO Davis's name. PO Davis, who was either checking for warrants or completing a summons in the patrol car, allegedly stated that he was busy (**allegation C**). § 87(2)(b) was arrested on an open warrant.

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) filed this complaint with the CCRB on behalf of her son, § 87(2)(b) on May 1, 2008, via the call processing system (encl. 4a-b). She did not witness the incident, and therefore was not interviewed at the CCRB, although she did accompany § 87(2)(b) to the CCRB for his interview.

§ 87(2)(b)

On May 27, 2008, § 87(2)(b) was interviewed at the CCRB (encl. 5a-d).

On April 24, 2008, at approximately 3:00PM, § 87(2)(b) and his two sons, § 87(2)(b) § 87(2)(b) (old) and § 87(2)(b) (6 years old), left the apartment of § 87(2)(b)'s nephew, § 87(2)(b). This apartment is on West 114th St. between 7th and 8th Avenues in Manhattan. § 87(2)(b) left § 87(2)(b) apartment and walked with his sons up 7th Avenue to West 119th St. On the walk, § 87(2)(b) stopped at a store at West 115th Street and 7th Avenue to purchase single-serving chips and juice for his sons. Other than the stop at the store, they did not make any other stops. § 87(2)(b) and his sons continued walking home. On the walk home, § 87(2)(b) and § 87(2)(b) got hot, so they took their shirts off and wore white tank-top undershirts. § 87(2)(b) carried their shirts. Both sons were wearing jeans and sneakers. § 87(2)(b) was wearing blue jeans, brown sneakers and a white T-shirt.

When they arrived in front of their apartment building, § 87(2)(b) in Manhattan, § 87(2)(b) met another nephew, § 87(2)(b) and one of his friends, named § 87(2)(b) (§ 87(2)(b)). § 87(2)(b) was wearing a blue button-down shirt and blue pants from his janitor job. After meeting with § 87(2)(b) left § 87(2)(b) Jr. and § 87(2)(b) with § 87(2)(b) and went to a store across the street to purchase cigarettes. § 87(2)(b) was in the store for five to ten minutes. When he returned to § 87(2)(b) § 87(2)(b) saw a black male officer, identified through investigation as PO Brian Davis, frisking § 87(2)(b) by patting the outer layer of his clothing. § 87(2)(b) did not know if PO Davis reached into § 87(2)(b)'s pockets. Also with PO Davis was a black female officer, identified through investigation as PO Doris Westcott. A marked police car was parked in the street.

After PO Davis finished frisking § 87(2)(b) PO Davis walked to § 87(2)(b) and asked him if he had ID. § 87(2)(b) said that it was in the house and asked if he could go and get it. PO Davis allowed § 87(2)(b) to leave. § 87(2)(b) did not return to the scene. PO Davis then walked past § 87(2)(b) Jr. toward § 87(2)(b) and began to pat down the outer layer of § 87(2)(b)'s clothing. § 87(2)(b) saw this and rushed over to § 87(2)(b) grabbed him by the shoulder and pulled § 87(2)(b) behind him so that he was between PO Davis and § 87(2)(b). § 87(2)(b) told PO Davis that he had no right to touch his son and that there is no reason to frisk a § 87(2)(b)-old. PO Davis said that a law had been passed that allowed him to frisk § 87(2)(b) olds. § 87(2)(b) said that he wanted "to see that book." PO

Davis asked for § 87(2)(b)'s identification. § 87(2)(b) said that he wanted PO Davis's name and shield number. At this point, § 87(2)(b) told § 87(2)(b) not to argue and to just provide ID. § 87(2)(b) gave PO Davis his ID. § 87(2)(b) asked PO Davis for his name and shield number again, but PO Davis ignored him. PO Davis told § 87(2)(b) that there had been a call for people with kids selling drugs on 119th St. between 5th and Lenox Avenues. § 87(2)(b) noted that PO Davis had the dispatcher repeat information about the call over the radio, but did not provide details about what the dispatcher said. § 87(2)(b) stated that he was yelling during this interaction.

At this point, PO Westcott stepped off the sidewalk and into the street near where the patrol car was parked. PO Davis then called for assistance using a police radio. About five minutes later, approximately three additional police cars arrived with six other officers. § 87(2)(b) did not remember which officers responded, but he recalled that there were two Asian male officers and one unidentified supervisor, whom he described as the "captain" during his interview. The supervisor was also an Asian male, dressed in a blue uniform that had two brass bars on the collar.

The supervisor asked § 87(2)(b) what happened and § 87(2)(b) explained that PO Davis had frisked his § 87(2)(b) son. The supervisor looked at PO Davis and said to § 87(2)(b) while looking at PO Davis, "He shouldn't be touching your son. He was supposed to ask you to frisk your son or ask you if he could frisk your son." PO Davis then turned around and said something into his radio. PO Davis said that § 87(2)(b) had a warrant and handcuffed him. § 87(2)(b) was also handcuffed and the officers said that he had a warrant for driving without a license. § 87(2)(b) and § 87(2)(b) were placed into police cars and transported to the 28th Precinct stationhouse.

Before being placed in the car, § 87(2)(b) had § 87(2)(b) Jr. go to inform a neighbor, § 87(2)(b) of what was happening. § 87(2)(b) lives at § 87(2)(b). § 87(2)(b) came out and spoke to the supervisor. Other individuals who witnessed this incident were § 87(2)(b) old), § 87(2)(b) § 87(2)(b) s old), and a § 87(2)(b) "identified as § 87(2)(b) from § 87(2)(b).

At the stationhouse, § 87(2)(b) was told that he did not have a warrant and he was released with a desk appearance ticket for an unknown charge. § 87(2)(b) was taken to Central Booking and then saw a judge later. The judge said that § 87(2)(b)'s warrant was for a summons for smoking a cigarette inside a building. He also said that § 87(2)(b) was charged with disorderly conduct regarding this incident. § 87(2)(b)'s charges were both dismissed and he was released.

Results of Investigation

Civilian Statements

§ 87(2)(b)

On May 27, 2008, § 87(2)(b) was interviewed at the CCRB (encl. 6a-e). At the time of his interview, § 87(2)(b) a black male, § 87(2)(b). His mother, § 87(2)(b) was present for the interview.

§ 87(2)(b) stated that he walked with his father and brother from his uncle's house at § 87(2)(b) toward his home on § 87(2)(b). When they got home, § 87(2)(b) Jr., and their father sat on the stoop of the building. § 87(2)(b) went somewhere § 87(2)(b) was not sure where) and came back. When § 87(2)(b) left, § 87(2)(b) § 87(2)(b)-old cousin, § 87(2)(b) stayed with them.

A marked police car pulled up in front of where the group was sitting. Three officers exited and approached § 87(2)(b) Jr., and § 87(2)(b). PO Davis was a black male with short hair. PO Westcott was a white female, and PO3 was a white male "captain" wearing a "captain hat."

PO Davis walked up to § 87(2)(b) and patted him down by touching the outside of his clothing. PO Davis also patted down § 87(2)(b) was next to § 87(2)(b) at this time and told PO Davis that he was not supposed to touch his son. § 87(2)(b) was angry and spoke loudly to PO Davis. § 87(2)(b) Jr. showed PO Davis a bag with shirts in it to show that they did not have any drugs and that he did not want their father to

go to jail. Additional officers arrived, bringing the total to ten. PO Davis handcuffed § 87(2)(b) and took him to the stationhouse. § 87(2)(b) was also handcuffed and taken away. After § 87(2)(b) was arrested, § 87(2) started crying and ran into his house.

§ 87(2)(b) a § 87(2)(b)-old male who did not wish to provide his race, is § 87(2)(b). § 87(2)(b) is a professor at § 87(2)(b). § 87(2)(b) knows the § 87(2) family as he is their neighbor and has employed § 87(2)(b) for construction work on his house. On April 24, 2008, § 87(2)(b) wrote a letter to § 87(2)(b), at the request of the § 87(2) family (encl. 7a). On June 18, 2008, § 87(2)(b) was interviewed at his home at § 87(2)(b) Street in Manhattan (encl. 7b-f). His statements were consistent.

On April 24, 2008, at approximately 3:00 p.m., § 87(2)(b) was in his apartment when the doorbell rang. § 87(2)(b) answered the door and his neighbor, § 87(2)(b) was at the door. § 87(2)(b) told § 87(2)(b) that a police officer had frisked § 87(2)(b). § 87(2)(b) exited his apartment and observed PO Davis (name read from nameplate as “Davis”) parked on the side of the road in a police car and PO Westcott (black female, 5’5”, average build, uniform.) standing outside the police car. § 87(2)(b) two other unidentified adults, § 87(2)(b) and § 87(2)(b) Jr. were on the sidewalk.

§ 87(2)(b) approached PO Westcott and asked her who the person in charge was. PO Westcott indicated that PO Davis was in charge. § 87(2)(b) approached the police car. The windows of the car were up. § 87(2)(b) knocked on the window and PO Davis look at him and rolled the window down slightly. § 87(2)(b) introduced himself as “Professor § 87(2)(b)” and informed the officer that he was the block association president and a sitting member of Community Board 10. PO Davis said that he was busy. § 87(2)(b) asked PO Davis for his name and shield number. PO Westcott stated that he was busy. PO Davis did not appear to be doing anything inside the car that would have prevented him from providing his name and shield number.

§ 87(2)(b) walked away from the car, approached PO Westcott, and asked her for PO Davis’s name and shield number. PO Westcott said that his name was “Davis” and that he would provide his shield number when he exited the car. § 87(2)(b) asked PO Westcott what had happened, and PO Westcott indicated that § 87(2) was frisked because he was suspected of distributing drugs. § 87(2)(b) asked the other adults on the scene what had happened and they verified that § 87(2) was frisked by PO Davis.

§ 87(2)(b) then went into his apartment to make a telephone call to § 87(2)(b), who is an § 87(2)(b) and is the § 87(2)(b). § 87(2)(b) described the situation to § 87(2)(b) and § 87(2)(b) told him to comply with the officers. § 87(2)(b) remained on the phone with § 87(2)(b) for less than five minutes.

§ 87(2)(b) exited his home again, and at this point there were three or four additional police cars. § 87(2)(b) was agitated at this point, so § 87(2)(b) attempted to calm him down. § 87(2)(b) was walking around in circles on the sidewalk yelling about the officers frisking a child. § 87(2)(b) saw § 87(2)(b)s wife exit the building and approached her. At this point, PO Davis exited his police car, approached § 87(2)(b) and handcuffed him as well as § 87(2)(b). § 87(2)(b) rushed over to where the police were placing § 87(2)(b) and § 87(2)(b) in handcuffs and he told them not to resist, struggle, or speak to the police officers.

After § 87(2)(b) and § 87(2)(b) were placed in police cars, § 87(2)(b) approached an unidentified officer on the scene. This officer was a Hispanic male who was 5’9” tall and dressed in uniform with a white shirt and a gold shield. § 87(2)(b) told the Hispanic male officer that § 87(2)(b) and § 87(2)(b) were “good guys,” that they do handy work for him in his home and garden, and that they never cause any problems. The officer responded that § 87(2)(b) and § 87(2)(b) were “bad guys,” that they had a criminal record, and that § 87(2)(b) did not know § 87(2)(b) and § 87(2)(b) the way the police know them. The officers then left and § 87(2)(b) returned to his building.

§ 87(2)(b)

§ 87(2)(b) is a § 87(2)(b). On June 18, 2008, she was interviewed in this building (encl. 8a-c). § 87(2)(b) noted at the conclusion of the interview that she did not remember many details about how the incident unfolded.

At the time of the incident, § 87(2)(b) was in the lobby when a tenant approached her and informed her that § 87(2)(b) was outside with some police officers. § 87(2)(b) went outside to find out what was happening. When she got outside, six officers were present. § 87(2)(b)'s nephew, § 87(2)(b) was also there, as were § 87(2)(b)'s two children, § 87(2)(b) Jr. and § 87(2)(b) and an individual named § 87(2)(b) and § 87(2)(b) were off to the side with a black male officer, identified through investigation as PO Brian Davis. PO Davis frisked § 87(2)(b)'s § 87(2)(b)-old child, identified through investigation as § 87(2)(b). § 87(2)(b) asked the officers why they were frisking the child, but an unidentified officer told her not to worry about it. § 87(2)(b) stated that the officers needed to ask § 87(2)(b) for permission to frisk his son. PO Davis asked her if she was related to § 87(2)(b). § 87(2)(b) stated that she was not, but that she knows him.

The officers checked for warrants and determined that § 87(2)(b) had a warrant. They then removed him from the location. § 87(2)(b) noted that one of § 87(2)(b)'s nieces came downstairs during the incident. She also saw a light-skinned black male with a moustache who lives in a brownstone on the block, identified through investigation as § 87(2)(b) during the incident.

The officers stated that they were looking for three black males wearing jeans. However, § 87(2)(b) was wearing a uniform and § 87(2)(b) was wearing shorts. § 87(2)(b) was the only one of the three who was wearing jeans.

Attempts to Contact Additional Civilians

Inv. Mehlman made numerous attempts to contact § 87(2)(b). On June 5, 2008, § 87(2)(b) was called at a phone number provided by § 87(2)(b) and a female named "Mary" provided an alternate number. § 87(2)(b) was subsequently called at this number, and he provided an address for § 87(2)(b) and scheduled an interview for June 9, 2008. § 87(2)(b) missed this appointment without notifying Inv. Mehlman and was sent a "missed appointment" letter. On June 11, 2008, Inv. Mehlman attempted to call § 87(2)(b) and left a message. On July 22, 2008, a final "please call" letter was sent to § 87(2)(b). On September 4, 2008, Inv. Mehlman attempted to call § 87(2)(b). § 87(2)(b) left a message, and sent him an additional "please call" letter. As of the date of this report, § 87(2)(b) had made no further attempt to contact the CCRB.

An initial "please call" letter was sent to § 87(2)(b) on June 5, 2008. An additional letter was sent on September 4, 2008. A search of Lexis Nexis revealed a potential phone number for § 87(2)(b) which Inv. Mehlman called on September 4, 2008. On September 8, 2008, § 87(2)(b) left a message with an alternate phone number. Calls to this number were made on September 8, 9, 12, and 23, 2008. A final "please call" letter was sent on September 23, 2008. As of the date of this report, § 87(2)(b) had made no further attempt to contact the CCRB.

Police Officer Statements

PO Brian Davis

PO Davis, a § 87(2)(b). On April 23, 2008, PO Davis worked from 7:05 a.m. until 3:30 p.m. He was working with PO Doris Westcott and they were assigned to patrol in sectors H and I. They were dressed in uniform and driving a marked police car, 2233.

PO Davis made several memo book entries regarding this incident (encl. 9a). At 2:30 p.m., there was a report of "sales" at West 119th Street and Lenox Avenue. At 3:08 p.m., one black male was arrested.

PO Davis prepared § 87(2)(b)'s arrest report (encl. 9b-c). According to the report, there was a 911 call regarding drug sales in front of § 87(2)(b). Officers observed three people fitting the

description in the call. § 87(2)(b) who smelled of alcohol, was asked for identification, but he was “violent and belligerent.” He was checked for warrants and had an active warrant. § 87(2)(b) was charged with disorderly conduct.

On November 6, 2008, PO Davis was interviewed at the CCRB (encl. 9d-e). On April 23, 2008, at approximately 2:30 p.m., PO Davis and PO Westcott received a radio transmission that an individual had called 911 to report drug sales at West 119th Street and Lenox Avenue. PO Davis asked the dispatcher for additional information. The dispatcher spoke with the caller and obtained a description of the sellers. The dispatcher told PO Davis that the sellers were three black males on the corner with a child. The caller indicated that the sellers were using the child to hold drugs. The dispatcher also provided a clothing description. PO Davis did not recall what the description was. PO Davis and PO Westcott went to the intersection of Lenox Avenue and 119th Street. There, they observed a group matching the description. They stopped their car near the group and exited the vehicle. The group consisted of three adult males and two children, identified through investigation as § 87(2)(b) and § 87(2)(b) Jr. § 87(2) appeared to be six years old, while § 87(2)(b) Jr. appeared to be one year old. The three adult men were blocking the sidewalk and entrance to § 87(2)(b) forcing pedestrians to walk around them.

PO Davis and PO Westcott approached the group. PO Davis asked them what they were doing at the location and who the father of the children was. He then asked if everyone had ID and they all said that they did. PO Davis stated that at this point, he was investigating the conduct of the men on the corner and needed to determine who the father of the children was so that he could have the father search the children. During the conversation, § 87(2) ran up to PO Davis and yelled, “Hey. Police. Police.” PO Davis greeted § 87(2) and gave him a handshake. PO Davis did not search or frisk § 87(2)

At this point, about two to three minutes after PO Davis first approached the group, § 87(2)'s father, identified through investigation as § 87(2)(b) came to the location. PO Davis did not know where § 87(2)(b) came from, but he was running, sweaty, and smelled of alcohol. § 87(2)(b) yelled that PO Davis was harassing his children and had no business stopping anyone. PO Davis told § 87(2)(b) why he was at the location and asked the 911 dispatcher to repeat the call, playing it back for § 87(2)(b) to hear. At this point, § 87(2)(b) became “heavily angry” and continued to yell. PO Davis warned him, saying, “Listen, you’re being disorderly.” § 87(2)(b) continued to yell, and at this point, PO Davis asked him and the other three adult men for their identification. PO Davis asked § 87(2)(b) for ID because he was going to issue him a summons for yelling and cursing. § 87(2)(b) and the other three men provided ID. PO Davis went to his car to perform a warrant check on everyone and § 87(2)(b) had a parole warrant. While PO Davis was in the car, other people began to come out of buildings. PO Davis specifically mentioned that “a neighbor” came outside, but then stated that he did not recall interacting with this individual.

PO Davis called for another car because PO Westcott was alone. PO Davis did not recall if he spoke to anyone who came to the scene. He stated that someone may have approached his car while he was performing the warrant check. Had someone done this, he would have told that person that he would speak to them later, when he was done with the warrant checks. Sgt. Moises Rosario spoke to several members of the crowd, including “whoever was approaching.” He did not recall the content of the conversation. PO Davis did not recall speaking to anyone who requested his name and shield number while he was writing the summons in the car. However, PO Davis noted that, had someone approached him to request this information while he was in the patrol car, he would have informed this person that he was occupied and would respond once he was done. PO Davis exited the car and handcuffed § 87(2)(b) as he had violated his parole. He also issued two summonses to two of the three adult men in the group that was originally stopped. The summonses were for disorderly conduct because the men were blocking the sidewalk. PO Davis frisked § 87(2)(b) and transported him to the stationhouse. PO Davis did not recall if he frisked the three other adult men.

Police Officer Doris Westcott

PO Westcott is a § 87(2)(b) and did not complete information regarding her physical description on the CCRB interview intake form.

On April 23, 2008, PO Westcott worked from 7:05 a.m. until 3:30 p.m. She patrolled sector H with PO Brian Davis. The officers were dressed in uniform and assigned to a marked vehicle, 2333.

PO Westcott made several memo book entries regarding this incident (encl. 10a-c). At 2:35 p.m., there was a report of drug sales at West 119th Street and Lenox Avenue. At 3:08 p.m., a black male was arrested by PO Davis.

On December 30, 2008, PO Westcott was interviewed at the CCRB (encl. 10d-e). On April 23, 2008, at approximately 2:30 p.m., PO Westcott was on patrol with PO Davis when they received a call from the 911 dispatcher stating that people were selling drugs on the corner of West 119th Street and Lenox Avenue. The dispatcher provided a description, which PO Westcott did not recall. PO Westcott did not believe that the radio run implicated children as being involved in the drug sales. PO Westcott and PO Davis went to the intersection of West 119th Street and Lenox Avenue. There, they observed a group of two adult males who matched the description of the radio run. Also present were two children under ten years of age. The children were identified through investigation as § 87(2)(b) and § 87(2)(b) Jr. PO Davis and PO Westcott stopped their car near the group. PO Davis took the lead in dealing with the group.

PO Davis informed the group of his reasons for stopping them. He asked what they were doing in front of the building and where they lived. PO Davis also obtained identification from the group members. PO Davis spoke to § 87(2)(b) and § 87(2)(b) Jr. as well, but PO Westcott did not recall what they talked about. PO Westcott did not see PO Davis frisk either § 87(2)(b) or § 87(2)(b) Jr. Additional civilians started coming to the scene, including a male, identified through investigation as § 87(2)(b) and an unidentified female. PO Davis argued with § 87(2)(b) and the female, but PO Westcott did not recall any specifics about the argument. PO Davis obtained identification from § 87(2)(b) and went to the car to perform warrant checks on all of the individuals who had provided ID. PO Westcott remained with the group.

Other people began to come to the scene and approached PO Davis while he was performing the warrant check. A male who identified himself as a professor, identified through investigation as § 87(2)(b) came to the scene. § 87(2)(b) asked PO Westcott what had happened and PO Westcott explained that they had stopped people on suspicion of a drug sale based on a 911 call. § 87(2)(b) asked PO Westcott if PO Davis had frisked one of the children at the scene, but PO Westcott did not know about that. She stated that there was a lot going on at the scene and a lot of people were asking her questions while PO Davis was performing the warrant checks. PO Westcott stated that a lot of the people who arrived on the scene were upset because they believed that PO Davis had frisked a child. Other officers responded, but PO Westcott did not recall who they were. PO Davis finished the warrant check and one of the males, identified as § 87(2)(b) had an open warrant. PO Davis handcuffed § 87(2)(b) and placed him in his vehicle. § 87(2)(b) and the unidentified female spoke to PO Davis and they argued. PO Westcott did not know what they argued about, but in the end they asked PO Davis for his name and shield number, which he provided. After several minutes, the officers entered their car and left the location.

Police Department Documents

Sprint Report

At 2:28 p.m., an anonymous male called 911 to report that he was doing construction on a building at the corner of West 119th Street and Lenox Avenue and had observed a group of black males wearing jeans and T-shirts selling crack cocaine and “dope.” No further physical description was provided, although the caller did note that the sellers were storing the drugs in their pockets. At 2:34 p.m., officers assigned to sector H reported an arrest. It was later reported that they had stopped three men at § 87(2)(b). No other officers went over the radio to report that they had responded (encl. 12a-b).

Roll Call

The roll call (encl. 13a-d) confirms the officers’ statements regarding their tours and assignments.

Command Log

At 3:15 p.m., PO Davis arrived at the stationhouse with § 87(2)(b) and § 87(2)(b). § 87(2)(b) was released at 5:33 p.m. with a summons for disorderly conduct. § 87(2)(b) was arrested for

§ 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommended Dispositions

Allegation A: Police Officer Brian Davis frisked § 87(2)(b)

As noted above, it was impossible to reach a determination regarding this allegation without a statement from § 87(2)(b) who failed to cooperate with numerous attempts to obtain a statement. § 87(2)(g)

§ 87(2)(g)

Allegation B: Police Officer Brian Davis frisked § 87(2)(b)

Allegation C: Police Officer Brian Davis refused to provide his name and/or shield number to § 87(2)(b)

As discussed in the “Assessment of Evidence,” it was impossible to determine whether PO Davis frisked § 87(2)(b) and refused to provide his name and shield number to § 87(2)(b). It is therefore recommended that **allegations B and C** be closed as *unsubstantiated*.

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: